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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,406	12/19/2001	Chen Li	12218-003001	2759
26181	7590	11/18/2005		
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,406	Applicant(s) LI ET AL.	
	Examiner Salvatore Cangialosi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/15/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Purpura (6421768) in view of either Gupta et al (6226752) or Bartoli et al (6047268) and either Luckenbaugh et al (6311269) or Novicov et al (6275934).

Regarding claim 1, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser substantially as claimed. The differences between the above and the claimed invention is the use of a specific information utility and user registration. It is noted that it is believed that the authentication by means of a cookie placed in a user browser is functionally equivalent to an information utility.

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Gupta et al (See abstract, See Figs. 3 and 4, Col. 5, lines 45-65, Col. 6, lines 1-50, Col. 7, lines 5-20) or Bartoli et al (See abstract, See Figs. 2a and 2b, Col. 2, lines 30-65, Col. 3, lines 1-50) show cookies for authentication of a user without sharing information. Luckenbaugh et al (See Fig. 3A, 4, Col. 3, lines 40-60) or Novicov et al (See Fig. 1, Col. 7, lines 15-35) show the registry storage of a web cookie for security and authentication. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Purpura because the browser cookie authentication processes and structures are conventional functional equivalents with respect to the claim limitations and their interchange is obvious because they perform the same function. Regarding cookie limitations of claim 2, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser which is a functional equivalent of the claim limitations. Regarding claim 3, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser substantially as claimed. The differences between the above and the claimed invention is the use of an information utility and a database. It is noted that it is believed that the authentication by means of a cookie placed in a user browser is

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functionally equivalent to an information utility. Luckenbaugh et al (See Fig. 3A, 4, Col. 3, lines 40-60 and Col. 5, lines 10-15) or Novicov et al (See Fig. 1, Col. 7, lines 15-35) show the registry storage of a web cookie for security including a relational database and authentication. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Purpura because the browser cookie authentication and storage are conventional functional equivalents with respect to the claim limitations. Regarding cookie limitations of claim 4, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser which is a functional equivalent of the claim limitations. Regarding the transaction limitations of claim 5, Luckenbaugh et al (See Fig. 3A, 4 Col. 5, lines 10-15) show cookie related to a transaction which is a functional equivalent of the claim limitations. Regarding user information limitations of claim 6, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser which includes user data (Col. 3, lines 55-60) that is a functional equivalent of the claim limitations. Regarding the merchant limitations of claim 7, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, **Col. 5, lines 15-35**

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claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser and connection to a merchant site which is a functional equivalent of the claim limitations. Regarding the merchant limitations of claim 8, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, **Col. 5, lines 15-35** claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser and connection to a merchant site which is a functional equivalent of the claim limitations.

Regarding claim 9, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses a method for authenticating (registering) a user by means of a cookie in a browser substantially as claimed. The differences between the above and the claimed invention is the use of a specific information utility and user registration. It is noted that it is believed that the authentication by means of a cookie placed in a user browser is functionally equivalent to an information utility.

Gupta et al (See abstract, See Figs. 3 and 4, Col. 5, lines 45-65, Col. 6, lines 1-50, Col. 7, lines 5-20) or Bartoli et al (See abstract, See Figs. 2a and 2b, Col. 2, lines 30-65, Col. 3, lines 1-50) show cookies for authentication of a user without sharing information. Luckenbaugh et al (See Fig. 3A, 4, Col. 3, lines 40-60) or Novicov et al (See Fig. 1, Col. 7, lines 15-35) show the registry storage of a web cookie for security and authentication.

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It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Purpura because the browser cookie authentication processes and structures are conventional functional equivalents with respect to the claim limitations and their interchange is obvious because they perform the same function. Regarding cookie limitations of claim 10, Purpura (See abstract, Figs. 1-2, Col. 1, lines 20-30, Col. 2, lines 20-30, Col. 3, lines 45-60 claims 1, 2, 19 and 36-38) discloses means for authenticating (registering) a user by means of a cookie in a browser, which is a functional equivalent of the claim limitations. Regarding the two cookie limitation of claim 11, Novicov et al (See Fig. 1, Col. 7, lines 15-35) shows means for authenticating (registering) a user by means of two cookies in a browser which is a functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

3. Claims 1-8 are rejected under 35 U.S.C. . 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Certain claims contain statements of intent (in claims 1, 2 "operable to enable", in claim 3, "operable to store", in claim 4, "operable to drop", in claims 7 and 8, "operable to route"), which are not positive limitations. (See In re Collier, 158 USPQ 266) It is not clear what is being claimed. The claims require only a possibility rather than an actual limitation. For example, anything is possible given sufficient time and resources.

Applicants arguments dated 8/15/05 are moot due the new grounds of rejection.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

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Commissioner for Patents

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PRIMARY EXAMINER
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